

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

Court Minutes and Order

HEARING DATE: January 11, 2022
JUDGE: Brett H. Ludwig
CASE NO.: 17-cv-0219-bhl
CASE NAME: Reichardt et al v. Electrolux Home Products, Inc.
MATTER: Motion to Dismiss Hearing
APPEARANCES: Mitchell M. Breit and Mark E. Silvey, Attorneys for Plaintiffs
Hays Doan and Galen D. Bellamy, Attorneys for Defendant
TIME: 11:03 a.m. – 11:53 a.m.
COURTROOM DEPUTY: Melissa P.

AUDIO OF THIS HEARING IS AT ECF NO. 83

Counsel for the parties reported on the status of the case and their opinions as to how the case should proceed. The Court issued an oral ruling on Defendant's long-pending partial motion to dismiss. (ECF No. 55.) For the reasons stated on the record, the motion is granted in part and denied in part.

IT IS HEREBY ORDERED that Defendant's partial motion to dismiss (ECF No. 55) under Fed. R. Civ. P. 12(b)(6) is **GRANTED** in part and **DENIED** in part. The motion is **DENIED** with respect to Counts I (Magnuson-Moss Warranty Act), IV (Strict Liability – Design Defect), V (Strict Liability – Failure to Warn), VIII (Breach of Express Warranty under Wisconsin law), X (Maryland Consumer Protection Act), XII (Breach of Express Warranty under Maryland law), XIII (Ohio Product Liability Act), XV (Breach of Express Warranty under Ohio law), XVII (Illinois Consumer Fraud and Deceptive Practices Act), and XIX (Breach of Express Warranty under Illinois law). The motion is **GRANTED** with respect to Counts III (Breach of Implied Warranty of Merchantability), VI (Fraudulent Concealment), VII (Wisconsin Deceptive Trade Practices Act), IX (Breach of Implied Warranty under Wisconsin law), XI (Breach of Implied Warranty under Maryland law), XIV (Ohio Consumer Sales Practices Act), XVI (Breach of Implied Warranty under Ohio law), XVIII (Illinois Uniform Deceptive Trade Practices Act), and XX (Breach of Implied Warranty under Illinois law).

IT IS FURTHER ORDERED that a status conference will be held on **February 9, 2022 at 9:00 a.m. Central Time**, by telephone. No later than **seven days prior** to the

conference, the parties must file a status report, including a revised 26(f) discovery plan and schedule and an update on the parties' settlement discussions, including whether they are interested in mediation before a Magistrate Judge. To appear, call the Court's conference line at 1-866-434-5269, and enter access code 1737450# before the scheduled hearing time.

Dated at Milwaukee, Wisconsin on January 11, 2022.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge